

## REMARKS

### I. PRELIMINARY REMARKS

No claims have been amended, added or canceled. Claims 28, 30, 32, 33, 35, 36, 38-40, 43-46 remain in the application. Reexamination and reconsideration of the application are respectfully requested.

### II. DOUBLE PATENTING REJECTION

Claims 28, 30, 32, 33, 35, 36, 38-40, 43-46 have been rejected under the judicially created doctrine of obviousness-type double patenting as purportedly being obvious over certain claims from U.S. Patent No. 6,049,732 and U.S. Patent No. 6,071,281.<sup>1</sup> Applicant respectfully submits that the obviousness-type double patenting rejection has been obviated by the Terminal Disclaimer attached hereto.<sup>2</sup>

### III. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application are respectfully requested. Allowance of the claims at an early date is courteously solicited.

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<sup>1</sup> Applicant has assumed for the purposes of this response that the reference to U.S. Patent No. 6,049,134 in the Office Action was a typographical error. The PTO-892, which was attached to the Office Action, refers to commonly assigned U.S. Patent No. 6,049,734.

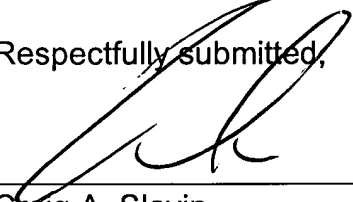
<sup>2</sup> Applicant notes for the record that the filing of a Terminal Disclaimer serves only to remove the obviousness-type double patenting rejection and raises neither a presumption, nor an estoppel, with respect to the merits of the rejection. See *Quad Environmental Technologies v. Union Sanitation District*, 20 USPQ2d 1393, 1394-95 (Fed. Cir. 1991).

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

5/10/05  
Date

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Respectfully submitted,  
  
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